Annual Report 1988-89

Saskatchewan Legal Aid Commission

90-03464/

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Minister of Social Services

SASKATCHEWAN

Legislative Building
Regina, Saskatchewan S4S 0B3
(306) 787-3661

To Her Honour
The Honourable Sylvia O. Fedoruk, O.C., S.O.M.
Lieutenant Governor of the
Province of Saskatchewan
Government House
4607 Dewdney Avenue
Regina, Saskatchewan
S4P 3V7

May It Please Your Honour:

I have the honour to submit the Annual Report of The Saskatchewan Legal Aid Commission for the fiscal year ended March 31, 1989.

Respectfully submitted,

Grant Schmidt
Minister of Social Services

Saskatchewan
Legal Aid
Commission

Central
Office

#820 - 410 22nd Street East
Saskatoon, Canada
S7K 2H6

(306) 933-5300

Toll Free 1-800-667-3764

The Honourable Grant Schmidt
Minister of Social Services
Legislative Building
Regina, Saskatchewan
S4P 3V6

Dear Sir:

It is my pleasure to forward to you the Fifteenth Annual Report of The Saskatchewan Legal Aid Commission in accordance with Section 38(1) of **The Legal Aid Act**, depicting the affairs of the Commission in the 1988/89 fiscal year.

Respectfully submitted,

DRM

Donald R. Morgan,
Chairman

Chairman's Remarks

The Saskatchewan Legal Aid Commission received a legislative appropriation of $5,832,500 for 1988/89, an increase of 1% over the previous year.

Commission meetings of the Saskatchewan Legal Aid Commission were held on the following dates: April 29, 1988, June 16, 1988, July 27, 1988, September 23, 1988, November 16, 1988, January 20, 1989 and March 10, 1989.

During 1988/89 four Commissioners were appointed including myself as Chairman from Saskatoon, Leslie Prosser from Saskatoon, Freda Koochicum from Balcarres and Don Krueger from Swift Current.

In compliance with the Federal/Provincial Cost Sharing Agreement regarding Legal Aid an evaluation has been completed by the DPA Group Inc. The report has been generally supportive on how legal aid has been provided in Saskatchewan. It indicates that the Commission is supplying good services at low to moderate cost.

The Federal Department of Justice has committed itself to supply funding for a feasibility study for a new computer system to replace the Legal Aid Management Information System. The study will be completed in 1989.

In December of 1988, the Court of Appeal gave their decision in the case of the Elizabeth Fry Society of Saskatchewan Inc. v. The Saskatchewan Legal Aid Commission which rendered the contribution policy outside the jurisdiction of the Commission. Since that decision, contributions are no longer being collected and recommendations have been made for appropriate changes to allow contributions to be collected. Contributions are collected in all provinces with the exception of the Northwest Territories and Prince Edward Island.

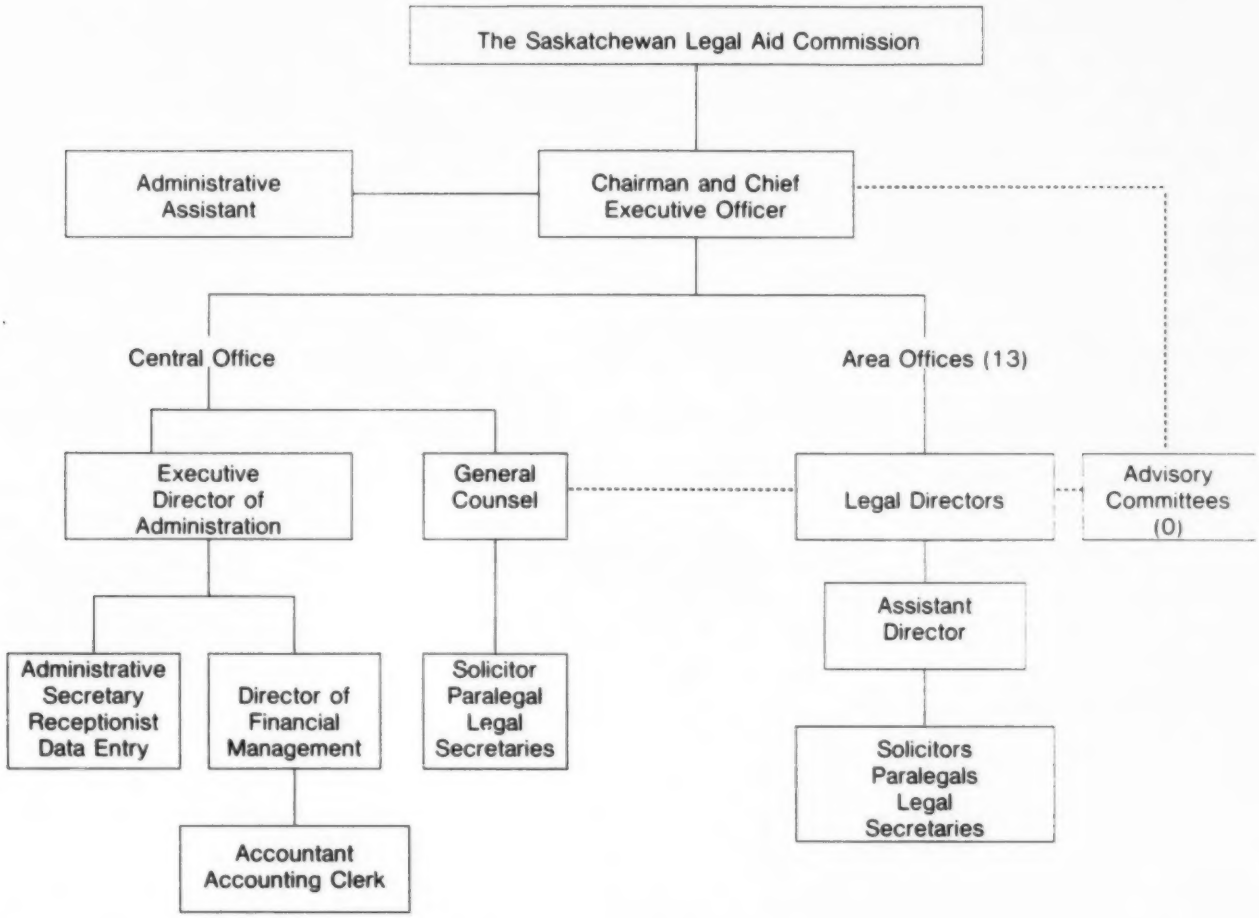
The budgetary constraints which the Commission has been under for the last several years reflect the difficult economic times that the province has been facing, the increasing concern over rising deficits and growing public scrutiny of all social programs to ensure that they are necessary and that the public is getting good value for its tax dollar. The Commission expects continued restraint and has adjusted its staffing levels and programs accordingly.

Members of The Saskatchewan Legal Aid Commission 1988/89*

	Appointed by:
Donald R. MORGAN, Saskatoon Chairman	Lieutenant Governor in Council (from June 14, 1988)
Jo-Ann BADLEY, Regina	Lieutenant Governor in Council
James BENNING, Regina	Minister of Justice
Morris BODNAR, Q.C., Saskatoon	Law Society of Saskatchewan (to December 30, 1988)
Evelyn GAMBLE, Duck Lake	Lieutenant Governor in Council
Freda KOOCHICUM, Balcarres	Lieutenant Governor in Council (from June 14, 1988)
Donald KRUEGER, Swift Current	Law Society of Saskatchewan (from January 19, 1989)
Gus LOUISON, Prince Albert	Association of Area Boards (to May 30, 1988)
Darlene NEUMAN, Yorkton	Lieutenant Governor in Council
Leslie PROSSER, Saskatoon	Attorney General for Canada (from April 29, 1988)
Wilfrid TUCKER, Saskatoon	Law Society of Saskatchewan
Paulette VANDERLINDE, Regina	Lieutenant Governor in Council
Greg WALEN, Saskatoon	Association of Area Boards (to May 30, 1988)

* **The Legal Aid Act** provides for the appointment of eleven members — three members appointed by the Chairmen of the Advisory Committees, or in their absence, by the Lieutenant Governor in Council, two members of the Law Society of Saskatchewan, one member appointed by the Attorney General for Canada, four members appointed by the Lieutenant Governor in Council, and one member who is an employee of the Department of Justice appointed by the Minister.

Organizational Chart



Profile of The Saskatchewan Legal Aid Commission

Purpose

— "... to provide legal services to persons and organizations in respect of civil and criminal matters where those persons and organizations are financially unable to secure those services from their own resources."

History

— The Saskatchewan Legal Aid Plan formally came into existence with the proclamation of *The Community Legal Services (Saskatchewan) Act* in August of 1974. This legislation was based on the work of the Carter Committee. In 1979, the Act was amended following the McClelland Report. In 1982/83, the MacPherson Report recommended further changes and on September 1, 1983, *The Legal Aid Act* was proclaimed.

Delivery Model

— The Saskatchewan Plan uses a salaried staff delivery model for the majority of its applicants. In 1988/89 the Plan employed 55 lawyers, 18 paralegals and 51 administrative and support staff. The services of private practice lawyers may be used where a client is charged with an offence punishable by minimum life imprisonment or where the Commission feels it would be impossible or improper for an employee to provide service.

Legal Aid Services

Financial Eligibility - An applicant is eligible for legal aid if:

a) the applicant receives income or other benefits from social assistance (ie, Saskatchewan Assistance Plan, Family Income Plan or Indian and Northern Affairs Canada),
b) the applicant is not receiving social assistance but would be entitled to because his financial resources are at social assistance levels (ie, the Family Income Plan Guidelines using a sliding scale based on family size) prior to December 1988, some applicants were asked to contribute towards the costs of legal services,
c) the applicants obtaining legal services *not* from legal aid would reduce his financial resources to the social assistance level. Prior to December 1988, some applicants were asked to contribute towards the costs of legal services.

Range of Services — Legal services are provided to eligible applicants if the services required fall within the range of service *and* have professional merit. The Range of Services include:

1. Criminal Matters — a great many, but not all, legal services are provided.
2. Civil Law Matters — most legal services in civil law are restricted to Family Law.
3. In some areas of the province (such as the North), legal aid to meet special needs may be provided.
4. Summary advice and information may be provided to anyone about a wide range of matters if they involve no more than a brief interview or telephone call.

Appeal Process — All persons making application for legal aid must qualify according to financial eligibility, range of service and professional merit guidelines. Applicants denied coverage are notified in writing of the refusal and of their right to appeal the decision to the Chairman of the Commission. The decision of the Chairman is final.

Young Offenders Coverage — is available for financially eligible applicants charged under the *Young Offenders Act*. The Commission also acts as agent for the Saskatchewan Minister of Justice when the Court has ordered the appointment of Counsel for a young offender.

Mental Health Services Act

— On April 1, 1986, the new *Mental Health Services Act* became law. As part of the provisions, the proposition of Official Representative was created in order to impart information with regard to patient rights to those patients who are involuntarily committed for treatment to Mental Hospitals in Saskatchewan. These Official Representatives were staff members of the Saskatchewan Legal Aid Commission from April 1, 1986 to March 31, 1989 and they provided these services in the Mental Health Regions throughout the province.

Reciprocity Among Provinces

— Saskatchewan participates in a nationwide agreement among provinces to provide legal services to eligible applicants resident in other provinces.

Funding

— The Saskatchewan Legal Aid Commission is funded by the Provincial Government through Saskatchewan Social Services. By agreement, the Government of Canada reimburses the Province for a portion of legal aid expenditures on adult criminal matters, young offender matters and some civil matters. During 1988/89 the Province received $3,166,638 from the Government of Canada. The other main source of revenue is from clients contributing towards the cost of providing their legal services.

Legal Aid Area Offices

Central Office
#820 - 410 22nd Street East
Saskatoon, SK S7K 2H6
933-5300 1-800-667-3764
Donald R. Morgan, Chairman
Harold P. Pick, Q.C., General Counsel
Laura M. Lacoursiere, Director of Administration

The Battlefords Area Office
Main Floor, Provincial Building
1146 - 102nd Street
North Battleford, SK S9A 1E9
446-7700
Jack Hillson, Legal Director

Meadow Lake Area Office
Box 1630
2nd Floor, 214 - 1st Street East
Meadow Lake, SK S0M 1V0
236-4464
George Thurlow, Legal Director

Melfort Area Office
Box 6500
3rd Floor, 105 Crawford Avenue East
Melfort, SK S0E 1A0
752-6220
Barry Treacy, Legal Director

Moose Jaw Area Office
113 - 110 Ominica Street West
Moose Jaw, SK S6H 6V2
694-3700
Mervyn Shaw, Legal Director

Northern Area Office
Box 5000
Mistasinihk Place, 1328 LaRonge Avenue
LaRonge, SK S0J 1L0
425-4455 1-800-667-4095
Robert McCann, Legal Director

Prince Albert Area Office
Box 3003
11th Floor, McIntosh Mall
800 Central Avenue
Prince Albert, SK S6V 6Z2
953-2850
James Crane, Legal Director

Regina City Area Office
2nd Floor, 1942 Hamilton Street
Regina, SK S4P 2C5
787-8760
Michael B. Ryan, Legal Director

Regina Rural Area Office
#3 - 281 Albert Street
Regina, SK S4R 2N5
787-1141
David Andrews, Legal Director

Regina Rural Area Office (Sub Office)
Box 3003, 110 Souris Avenue
Weyburn, SK S4H 2Z9
848-2341

Saskatoon City Area Office
#210 - 728 Spadina Crescent East
Saskatoon, SK S7K 4H7
933-7820
Jane L. Lancaster, Legal Director

Saskatoon Rural Area Office
#203 - 220 3rd Avenue South
Saskatoon, SK S7K 1M1
933-7855
Betty Lou Huculak, Legal Director

South East Area Office
Box 326, 1314B 3rd Street
Estevan, SK S4A 2A4
634-0790
Barbara Tomkins, Legal Director

Swift Current Area Office
510 - 350 Cheadle Street West
Swift Current, SK S9H 4G3
778-8272
Leslie Cooper, Legal Director

Yorkton Area Office
Box 69
41 Broadway West
Yorkton, SK S3N 2V6
786-1440
David Bright, Legal Director

Summary of Disposition of Appeals/Complaints Directed to the Office of the Chairman
April 1, 1988 to March 31, 1989

There are four categories under which an applicant or client can appeal to the office of the Chairman:

i) Appeal against refusal — fiscal eligibility or financial resources.
ii) Appeal against refusal — range of services.
iii) Appeal against refusal or withdrawal of services — professional discretion.
iv) Complaint about services received or about the professional conduct of a solicitor.

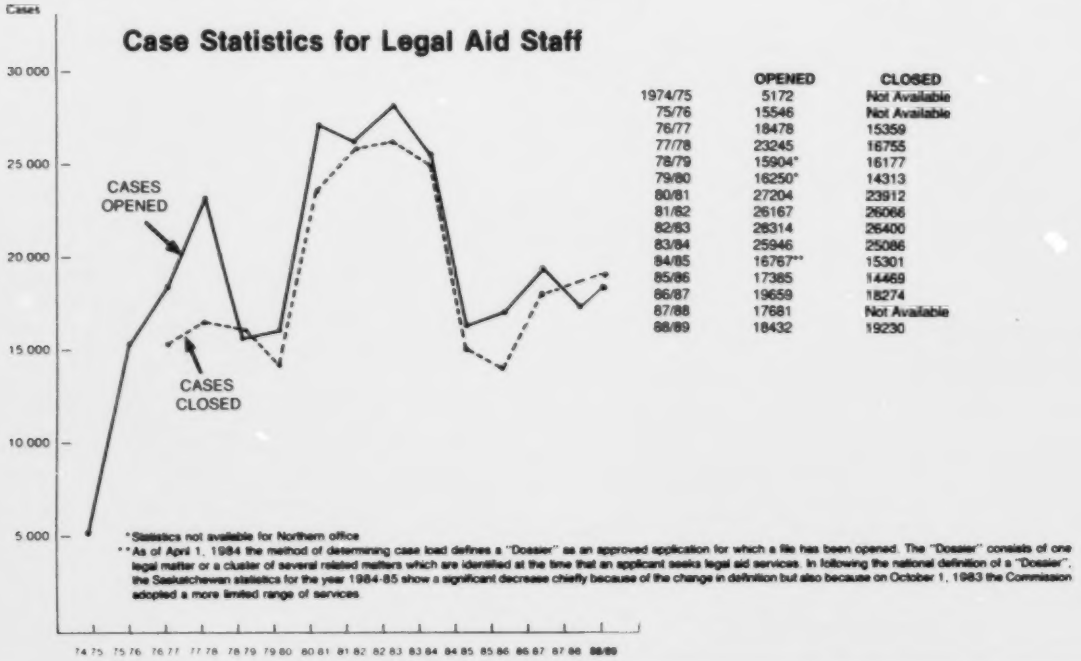
Conclusions are determined as follows.

i) Resolved — the matter is discussed with applicant (client) and the matter is solved and settled in favour of the area office.
ii) Rectified — the matter is amended or corrected in favour of the client.
iii) Not substantiated — area office correct in its determination.
iv) Discontinued — matter discontinued by client.

	REASON FOR SERVICE REFUSAL				OUTCOME/RESULT				
AREA OFFICE	FISCAL	RANGE	PROFESIONAL DISCRETION	COMPLAINT	NOT SUB-STANTIATED	RESOLVED	RECTIFIED	DISCONTINUED	TOTAL
Saskatoon City	35	54	20	12	82	17	16	6	121
Regina Rural	0	0	1	3	2	1	1	0	4
Moose Jaw	0	1	4	3	6	2	0	0	8
Regina City	6	0	11	0	8	1	7	1	17
Battlefords	3	4	3	2	8	1	1	2	12
Meadow Lake	4	0	0	0	2	0	1	1	4
South East	0	0	0	1	0	1	0	0	1
Yorkton	3	8	3	2	14	1	1	0	16
Saskatoon Rural	4	1	2	2	3	2	2	2	9
Prince Albert	3	0	1	0	3	0	1	0	4
Melfort	1	0	1	1	2	0	1	0	3
Swift Current	7	1	0	0	4	0	3	1	8
Northern	0	1	1	1	2	1	0	0	3
Central	0	0	3	4	3	0	2	2	7
TOTALS	66	70	50	31	139	27	36	15	217

Applications Received
April 1, 1988 to March 31, 1989

Area Office	FULL SERVICE					SUB TOTAL
	Adult Criminal	Young Offender	Family	Civil	Provincial Statues	FULL SERVICE
Central	37	4	61	2	0	104
Battlefords	781	299	289	7	6	1382
Meadow Lake	500	135	130	14	80	859
Melfort	411	141	178	2	0	732
Moose Jaw	364	115	349	52	5	885
Northern	1404	431	189	24	31	2079
Prince Albert	1665	365	694	15	1	2740
Regina City	1703	681	811	20	1	3216
Regina Rural	537	115	324	14	51	1041
Saskatoon City	1672	505	887	1	1	3066
Saskatoon Rural	275	78	347	13	6	719
South East	107	43	81	2	0	233
Swift Current	111	27	116	3	4	261
Yorkton	635	200	274	6	0	1115
TOTALS	10202	3139	4730	175	186	13432
Percentage of Applications Received	37.39	11.50	17.34	.64	.68	67.56
Percentage of Full Service Applications	55.35	17.03	25.66	.95	1.01	100.00
Total Cases Completed	10733	3128	4835	311	223	19230
Percentage of Cases Completed	55.81	16.27	25.14	1.62	1.16	100.00



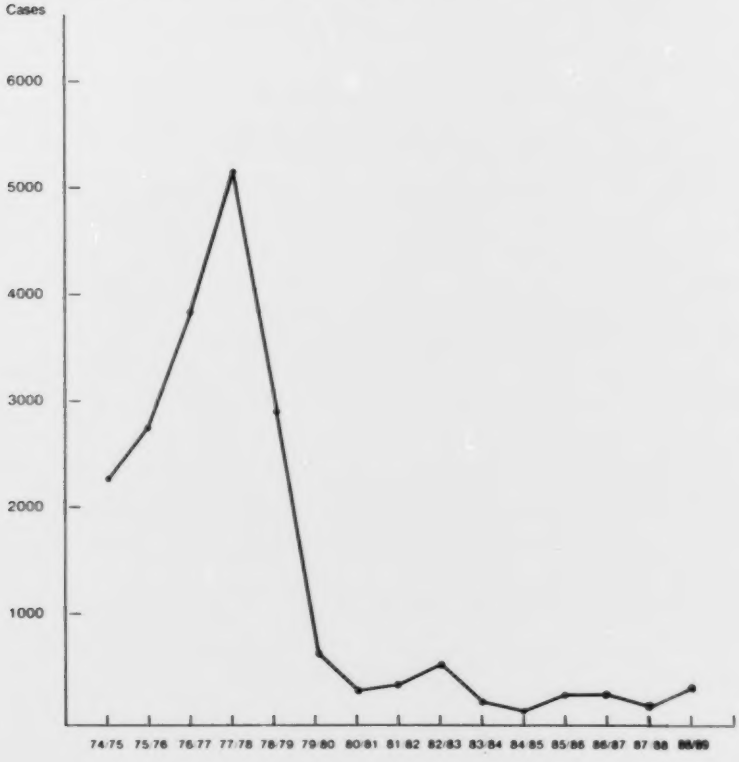
	OPENED	CLOSED
1974/75	5172	Not Available
75/76	15546	Not Available
76/77	18478	15359
77/78	23245	18755
78/79	15904*	16177
79/80	16250*	14313
80/81	27204	23912
81/82	26167	26066
82/83	28314	26400
83/84	25946	25086
84/85	16767**	15301
85/86	17385	14469
86/87	19659	18274
87/88	17681	Not Available
88/89	18432	19230

*Statistics not available for Northern office

**As of April 1, 1984 the method of determining case load defines a "Dossier" as an approved application for which a file has been opened. The "Dossier" consists of one legal matter or a cluster of several related matters which are identified at the time that an applicant seeks legal aid services. In following the national definition of a "Dossier", the Saskatchewan statistics for the year 1984-85 show a significant decrease chiefly because of the change in definition but also because on October 1, 1983 the Commission adopted a more limited range of services.

SUMMARY ADVICE	REFUSED SERVICE			SUB TOTAL REFUSED	TOTAL APPLICATIONS RECEIVED	TOTAL CASES COMPLETED
	Financial	Range of Services	Professional Merit			
227	2	0	1	3	334	308
257	24	5	8	37	1676	1665
649	31	18	6	55	1563	823
238	8	1	3	12	982	873
154	16	6	9	31	1070	1147
558	16	9	25	50	2687	2246
116	30	0	2	32	2888	2800
1708	81	3	40	124	5048	2971
269	23	0	1	24	1334	1179
1921	223	282	65	570	5557	2805
644	17	2	2	21	1384	827
244	10	3	0	13	490	221
310	5	1	1	7	578	234
536	17	17	8	42	1693	1131
7831	503	347	171	1021	27284	19230
28.70	1.84	1.27	.63	3.74	100.00	

Cases Completed By the Private Bar



	Number of Cases	$
1974/75	2200	221,266
75/76	2719	392,635
76/77	3797	646,664
77/78	5131	984,107
78/79	2843	824,770
79/80	625	145,301
80/81	253	113,166
81/82	378	195,130
82/83	525	407,820
83/84	156	211,606
84/85	54	68,218
85/86	249	115,107
86/87	259	129,542
87/88	96	110,227
88/89	193	179,482

Reciprocity
April 1, 1988 to March 31, 1989

REFERRED TO:

	AB	BC	MB	NS	NWT	ON	QB	TOTAL
Access	3	2	2	0	0	0	0	7
Criminal	0	0	2	0	0	2	0	4
Custody	7	7	11	0	0	6	0	31
Divorce	6	4	4	0	0	5	1	20
Maintenance	6	2	0	0	0	2	0	10
TOTAL	22	15	19	0	0	15	1	72

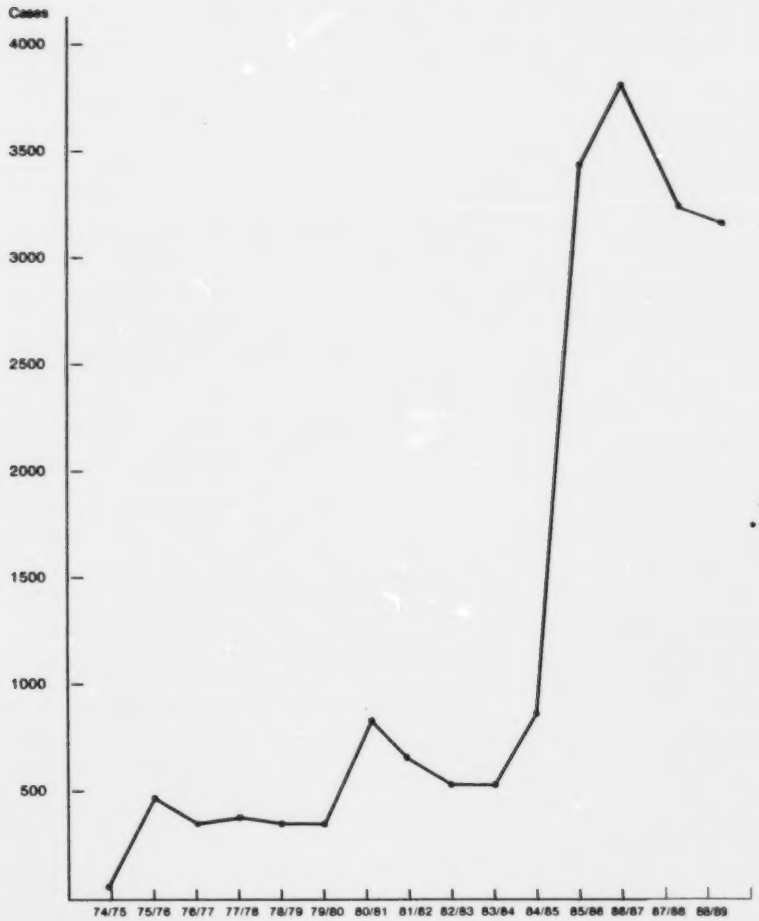
REFERRED FROM:

	AB	BC	MB	NS	NWT	ON	QB	TOTAL
Access	1	0	2	0	0	1	0	4
Child Apprehension	1	0	2	0	0	0	0	3
Child Protection	0	0	0	0	0	1	0	1
Criminal	8	0	2	0	0	0	0	10
Custody	8	13	8	1	0	5	0	35
Divorce	7	5	6	1	0	5	0	24
Maintenance	5	7	3	0	1	0	0	16
Paternity	1	0	0	0	0	0	0	1
TOTAL	31	25	23	2	1	12	0	94

REFUSED: Refused from within province 16
Refused from outside of province 11
TOTAL 27

The Saskatchewan Legal Aid Plan participates in a nation-wide agreement to provide legal services to eligible applicants resident in other provinces.

Juvenile Delinquents Act/ Young Offenders Act Statistics



1974/75	31
75/76	472
76/77	347
77/78	385
78/79	355
79/80	360
80/81	886
81/82	659
82/83	529
83/84	533
84/85	882 *
85/86	3411 **
86/87	3751
87/88	3230
88/89	3139

*Young Offenders Act proclaimed for 12-15 year olds.
**16 & 17 year olds included.

Official Representative Cases

Number of Files Opened For Year Ending March 31, 1989

MENTAL HEALTH REGION	1989	1988	1987
Battlefords	66 **	77	82
Moose Jaw	45 **	62	73
Prince Albert	76 **	106	128
Regina	144 **	199	243
Saskatoon	134 **	169	210
Swift Current	28	27	27
Weyburn	18 **	19	26
Yorkton	19 *	41	58
TOTAL	530	700	847

* to Sept. 30/88
** to Dec. 31/88

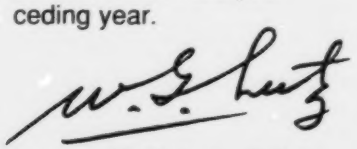
Auditor's Report

To the Members of the
Legislative Assembly of
Saskatchewan.

I have examined the balance sheet of The Saskatchewan Legal Aid Commission as at March 31, 1989 and the statement of revenue, expenditure, and operating surplus for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, these financial statements present fairly the financial position of the Commission as at March 31, 1989 and the results of its operations and the changes in its financial position for the year then ended in accordance with the accounting principles disclosed in Note 1 to the financial statements applied on a basis consistent with that of the preceding year.

Regina, Saskatchewan,
May 5, 1989



W.G. Lutz, F.C.A.,
Provincial Auditor.

The Saskatchewan Legal Aid Commission
Balance Sheet
As at March 31

	1989	1988
ASSETS		
Current		
Cash	$ 266,236	$ 96,506
Accounts receivable	92,455	16,643
Prepaid expense	54,543	71,308
Total current assets	413,234	184,457
Fixed — at cost (Note 1)		
Furniture and equipment	403,577	419,173
Library	706,447	754,389
Total fixed assets	1,110,024	1,173,562
	$1,523,258	$1,358,019
LIABILITIES AND EQUITY		
Current		
Accounts payable and accrued liabilities	$ 305,323	$ 159,832
Equity		
Equity in fixed assets	1,110,024	1,173,562
Operating surplus	107,911	24,625
Total equity	1,217,935	1,198,187
	$1,523,258	$1,358,019

(See accompanying notes to the financial statements)

The Saskatchewan Legal Aid Commission
Statement of Revenue, Expenditure and Operating Surplus
Year Ended March 31

	1989	1988
Revenue:		
Consolidated Fund appropriation	$5,832,500	$5,831,900
Contractual revenue	163,314	100,000
Other	219,556	214,581
	6,215,370	6,146,481
Expenditure:		
Salaries and employee benefits	5,123,588	5,138,139
Administrative and operating expenses (Schedule 1)	483,692	528,784
Provision of legal services	179,482	110,226
Other legal expenses	90,972	99,608
Travel	200,104	185,083
Library and equipment purchases	54,246	58,944
	6,132,084	6,120,784
Excess of revenue over expenditure	83,286	25,697
Operating surplus, beginning of year	24,625	(1,072)
Operating surplus, end of year	$ 107,911	$ 24,625

(See accompanying notes to the financial statements)

The Saskatchewan
Legal Aid Commission
Notes to Financial Statements
March 31, 1989

1. Accounting Policies

Fixed Assets

Expenditures for fixed assets appear in the statement of revenue, expenditures and operating surplus. To maintain accountability for fixed assets using fund accounting they are recorded in the balance sheet as assets with a corresponding entry to "Equity in Fixed Assets." Because fixed asset purchases are included in the statement of revenue, expenditure and operating surplus, no provision has been made for depreciation of the fixed assets.

At the time of disposal or retirement, the costs of assets disposed or retired are removed from the fixed asset accounts. A corresponding amount is removed from "Equity in Fixed Assets."

2. Incorporation

The Legal Aid Act came into force on September 1, 1983 by Order in Council 1275/83 and continued The Saskatchewan Community Legal Services Commission as a body corporate under the name of The Saskatchewan Legal Aid Commission.
The purpose of the Commission is to provide legal services in criminal and civil proceedings or matters to persons and organizations financiallly unable to secure those services from their own resources.

3. Revenue

The following are included in revenue:

i) sums required for the purposes of the Commission as appropriated by the Legislature and received by the Commission less any unexpended funds remaining from the legislative appropriation for a fiscal year unless otherwise authorized by Treasury Board;

ii) compensation pursuant to a contractual agreement with Department of Health to provide official representative services and pursuant to letters of agreement with the Department of Indian and Northern Affairs Canada for cost sharing of civil clients of native ancestry.

iii) other miscellaneous revenue including revenue from contributions for provision of legal services of $90,165 (March 31, 1988 - $143,364).

4. Office Rent

During the fiscal year, the cost of accommodation for all offices of the Commission was absorbed by the Department of Social Services and accordingly the Commission did not pay any rent for the use of that space. Neither the value of this benefit nor the cost related to this space is reflected in the financial statements.

Schedule 1

The Saskatchewan Legal Aid Commission
Schedule of Administrative and Operating Expenses
Year Ended March 31

	1989	1988
Telephone	$201,072	$205,441
Other operating expenses	105,553	119,848
Contractual services	30,981	74,166
Stationery and office supplies	45,565	40,663
Periodicals	75,943	63,754
Photocopying	24,578	24,912
Total administrative and operating expenses (Statement 2)	$483,692	$528,784

(See accompanying notes to the financial statements)